2:30 O'CLOCK

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EDITION

The man who needs a man and the man he need may get acquinted through a WANT AD.

ZARRERRERRERRER.

Vol. XVII. No. 3062

BRANDARRRRRRRRRR.

16 PAGES-HONOLULU, TERRITORY OF HAWAII, SATURDAY, APRIL 29, 1905-16 PAGES

PRICE 5 CENTS.

Andrews and Castle Plan County Test Case That May Go To Supreme Court At

TO CALL CIVIC FEDERATION MEETING

government on the committee, John A. Hughes, absent on the Island of Maui, the majority of the legisla-tion committee of the Civic Federation met in the office of W. R. Castle this morning to consider the proposition of testing the County Act before the

Civic Federation echo the emotions of the majority of the committee on legislation and public officers of the association referred to, something in the nature of a test case of the County Act will be taken to the Supreme Court guesse who know nothing of the aysfor a ruling before the elections occur. Should the Federation, in its wallans, mostly ignorant, and 100,000 more general representation, fail to pake upon the ideas of the pair who make up the majority of the legislation committee the test, as far as this Mr. Castle went on to say that to make up the majority of the legislation committee the test, as far as this organization is concerned, will die erection would probably be taken speedily; it is born. The legislation committee, that no time would be lost in getting by the way, is assisted in its solemn deliberations by another committee of the society, the Law and Order Committee, of which Attorney Withington is the chairman. In this connection it is a curious fact that the object of the iaw and order committee is to see to it that the laws of the land are enforced, while the object of the majority of the legislative committee, the minority being absent, is to test the minority being absent, is to test the minority being absent, is to test the minority of the legislative committee, with the object of the majority of the legislative committee. The mafority of the legislative committee and the chairman of the law and order committee, then, have held confab and ordained that the County Act must be tested if the Federation the Territorial Attorney General tools and businesses, including clerogram.

fice shortly after the meeting this fore-

"Nothing is very definite as yet. We must bring the matter before the gen out in Honolulu are being shown by craft on the selled early next week. real committee of the Federation at a out in Honolulu are being shown by meeting to be called early next week.

We will probably take the question of the validity of the County Act on some point or other, before the Suoreme Court in order to get a ruling before

Read "Wants" on page 6.

With the staunch friend of County the county elections can take place.

The members of the legislative committee are J. A. Hughes, Attorney of Maui, the majority of the legislative committee are J. A. Hughes, Attorney and Maui, the majority of the legislative committee on law and order is assistant.

"I have the act on my desk. I have been looking over it. While I have no use for the act I am not as con-

testing the County Act before the Supreme Court.

Territorial Attorney General Lorrin Andrews and W. R. Castle compose the majority of the legislation committee.

These gentlemen met at about 10 of clock and agreed to bring the matter of a test of the County Law before the general committee of the selection of the shriff; he believes the best billing to have been siblation and public officers of the association referred to, something in the instruction and public officers of the association referred to, something in the nature of a test case of the County where there are about Act will be taken to the Supreme Court

Act will be taken to the Supreme Court

That QUESTION OF ELEC.

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THAT QUESTION OF ELEC.

THAT QUESTION OF ELEC.

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Tion Can are to act and the country had already read the motion it to defense, the defense the court, the defense the defense the court, the defense the court, the defense the defense the defense the court. The court is the defense the defense the court. The court is the defense the defense the court. The court is the defense the court. The court

confab and ordained that the County tatives of all classes, conditions, per Act must be tested if the Federation reasions and businesses, including eleration only be brought to see things in the laymen, merchants, financiers, education on the Territorial Attorney General tionalists, attorneys, politicians and organd one or two other lawyers see dinary citizens. According to precedent of the wise when one class. Mr. W. R. Castle was seen at his of-ce shortly after the meeting this fore to get control of a society of this nadents, say the wise, when one class noon.

"Yes," he said, "we considered the matter, going over the proposition of a test very carefully and arrived at the conclusion that there is good ground for action in the way of a test.
"Nothing is very definite as yet. We

SALE OF RALLS WAS ABSOLUTE

Washington

REHEARING IS DENIED IN

ONLY ON THEORY THAT SALE TO KONT WAS CONDITIONAL THAT QUESTION OF ELEC-TION CAN ARISE.

for the reason that it had previously elected an inconsistent right by bring-ing an action for the price and to enforce a materialman's nen, which was based on the theory that the title had passed to the vendee.

"For the purposes of the original decision," says the court, "it was assumed that the contract was one of conditional sale or, perhaps more acconditional saie or, perhaps more ac-curately speaking, that it was an exe-cutory contract to sell upon condition precedent. We will proceed upon that assumption for the purpose of the pres-ent decision also, although it may not be out of place to state that in sthe opinion of a majority of the court the sale was absolute and therefore re-plevin could not be maintained in any plevin could not be maintained in any

Says Justice Hartwell: "The decision in this case was based upon the theory of a conditional sale, although the court did not say that they regarded the transaction as of that nature. It is only on the theory (Continued on Page 8.)

ters on Maunakea street this morning and discussed, promarily, the financial situation, talking over ways and means to finance the county election campaign. The matter of nominations was brought up and the general sentiment ruled that the party should not make its nominations until the Republican party candidates had been aunounced.

SUNDAY CONCERT

The concert at the Kaimuki Zoo Sunday afternoon will be a combination one, The Kawaihau Glee Club will alternate with the Kawaihau Or-

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FORT ST

New Trial Granted Because Of Davis' Misconduct

Judge De Bolt this morning granted jurors became advocates of the ver the motion made by Ah On for a trial dict rendered by themselves, to take the place of the one on which he was convicted of accepting a if the jury had been prejudiced or not tribe, out of which case grew the cel- Ah On had during the trial asked for

bribe, out of which case grow the celnot be selected Davis-Humphreys combat. In another attorney, but on Davis' assurcidentally an aftermath of that drama ance that he was all right and ready was opened in the session this morning.

Judge Humphreys, who took Davis' were the acts of the defendant. It place as Ah On's attorney, presented the motion and the affidavits, in which sel were those of the defendant. It it is shown that Ah On did not get a made no difference that only eleven fair trial on account of Davis' conduct jurors had signed the affidavit, since and intoxicated condition when he de there had been no counter affidavit frended him on that occasion. As the fended him on that occasion. As the

MEN OF CRUISER BOSTON A Sterling Lot OF HEARTY, LOYAL BOYS

The crew of the United States cruis-led

Home Rulers gathered at headquar-ters on Maunakea street this morning the interests of the service and under. The crew of the Boston are certain of

er Boston published today a ship's Chief Yeoman Freedman, who is in magazine entitled the "Bostonian", charge of all sports of the ship and the object of this publication is to the general representative of the

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LAREDO, Tex., April 29.-A tornado swept this town, causing the 100 lives. One hundred and fifty houses were prostrated, hundreds of persons

TO SETTLE STRIKE

Discipline of Bowen **Makes Many Changes**

place Minister Bowen at Venezuela, and John Barrett, Minister to Panama, will be transferred to the Colombian post. Should the explanation of Bowen be

Peters answered that eleven of the jurors who found the verdict had sign, of an affidavit showing that they had found it entirely on the law and the evidence and that they were not in fluenced by Davis' conduct. Humphreys responded that Ah On was entitled to be tried by twelve jurors. It was a significant fact that out of the twelve, one man was missing. Furthermore, it was not for the jurors to say whether a trial had been fair and impartial or not, but for the court. Humphreys did not place any blame on the court, who was always blame on the court was a significant fact that ont of the eleven jurors. "I do not care to argue it," he said when he had fing the eleven jurors. "I do not care to the court." Judge De Bolt said he thought he acts of the attorney were the acts of the attorney were the acts of the client. He had not said that Ah Davis. Further, it was natural that (Continued on Page 4.)

GENEVA, Switzerland, April 29,-Serious earthquakes have been experi

GREENVILLE, S. C., April 29 .- A railroad collision occurred here today which four were killed and many injured.

BUNKERS IS CONVICTED.

SACRAMENTO, Cal., April 29.-Former Senator Bunkers, one of the three expelled from the California Senate for accepting bribes, has been convicted

SAN FRANCISCO, Cal., April 28.—SUGAR: 88 analysis beets, 12s 6d. evious quotation, 12s 10 1-2d. Parit y for Centrifugals, 4.65 cents.
SAN FRANCISCO, Cal., April 29. —SUGAR: 88 analysis beets 12s 10½d

WOULD COMPLETE EXTRA SESSION WORK

work accomplished by the Legislature sense in wasting time over new reports at its regular session," said Representative H'olstein this morning. "The first thing we know some of us will be getting such swelled heads that we will be spoiled for any usefulness at the extra session. We have simply accomplished our duty, what we went to the Legislature to perform, and, to my doth houses should be able to get to way of thinking, there is no cause for being patted on the back for this.

"If we do not finish up the work" "We are too apt to waste time in

will alternate with the Kawaihau Orchestra and the concert will continue from 2 to 6 p. m.

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SHIRTS.—SHIRTS

"At the opening of the extra ses-sion I intend introducing a resolution to the effect that all resolutions, re-

ports, petitions and communications

"If we do not finish up the work of the extra session within three weeks talking. At the extra session I hope taked severely rebuked, instead of compliments for our public service. I Monday morning. sincerely hope that three weeks will see the end of our labors.

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